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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUN 7 1994

In the Matter of:)	FEDERAL COMMUNICATIONS COMMISSION
)	OFFICE OF SECRETARY
Administration of the North)	CC Docket No. 92-237
American Numbering Plan)	Phases One and Two

COMMENTS OF
TELE-COMMUNICATIONS ASSOCIATION

Tele-Communications Association ("TCA"), by its attorneys, respectfully submits its comments regarding the Notice of Proposed Rulemaking ("Notice") in the above-captioned proceeding.¹ As discussed herein, TCA urges the Commission to mandate the use of "1" as a nationwide, uniform toll indicator.²

I. BACKGROUND

Traditionally, dialing plans in effect in almost every state have required users to dial 1 in order to place toll calls. This requirement serves a useful function by alerting consumers that particular calls will trigger usage-sensitive charges and enabling businesses to restrict unauthorized toll calls by blocking 1+ dialing. In addition, in states where intraLATA toll competition is permitted, 1+ dialing of intra-

¹ FCC 94-79 (released April 4, 1994).

² See Notice at ¶¶ 43, 44. TCA was one of eleven parties jointly signing a May 6, 1993 letter to the Commission asking for such relief.

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NPA toll calls informs customers that they may use companies other than the LEC to carry their traffic.

In light of the upcoming transition to interchangeable NPAs, Bellcore (acting as the NANP Administrator) decided that "1" should be used to indicate 10-digit dialing. Accordingly, it informed LECs that they could no longer use "1" plus seven digits to indicate intra-NPA toll calls. Instead, they may use either seven digits (without the "1") or 1 plus ten digits for such calls.

Most LECs and state regulators have recognized the benefits of continuing to use "1" as an indicator for intra-NPA toll calls. In those states, these calls will be dialed on a 1 plus ten digit basis.³ In a relatively few states, however, the dominant LEC has secured approval for plans to require consumers to dial intra-NPA toll calls on a 7-digit basis.

As an association of telecommunications managers, TCA urges the Commission to assure that the North American Numbering Plan ("NANP") is administered in a manner that minimizes customer confusion, avoids unnecessary expense, and promotes competition. Because, as discussed below, 7-digit

³ There is no obstacle to doing so, as long as each NPA does not use NXX codes that are identical to the numbers representing neighboring NPAs. For example, residents of the 703 NPA in Virginia could continue to use "1" as a toll indicator as long as 202, 301, 304, 606, 615, 804, and 909 -- seven out of 792 possible NXXs -- were not used as NXX codes within the 703 NPA.

dialing of intra-NPA toll calls violates each of these criteria for sound policy, TCA urges the Commission to mandate a uniform, nationwide dialing plan under which all toll calls must be in the format 1-NPA-NXX-XXXX.

II. THE COMMISSION SHOULD MANDATE A UNIFORM DIALING PLAN THAT PRESERVES THE USE OF "1" AS A TOLL INDICATOR.

Preserving the use of "1" as an indicator of toll calls would yield significant pro-consumer and pro-competitive benefits:

- It would minimize customer confusion. For forty years, consumers have been instructed to dial "1" before initiating either intra-NPA or inter-NPA toll calls. Use of "1" as a toll indicator informs customers that they are about to make a call that will incur time-sensitive charges, and gives them the option of not making the call or limiting its duration. If "1" may not be used as a toll indicator in some states, widespread customer dissatisfaction and confusion will result, as customers find themselves charged toll rates for calls that they assumed were local.⁴

⁴ See letter from Loretta J. Garcia, MCI, to Donna R. Searcy, dated May 27, 1993, at 2-3 (quoting state PUC findings that 7-digit dialing of toll calls would cause customer confusion and disserve the public interest). This confusion and dissatisfaction will not be limited to residential consumers. Businesses with locations in several states will have to accommodate a multitude of dialing plans. This will require expensive modifications of PBXs and other customer premises equipment.

- It will avoid creating unnecessary expenses. Many businesses currently program their PBXs to restrict toll usage by blocking calls initiated by dialing a "1". If this digit no longer indicates a toll call, however, then PBXs will have to be re-programmed, at great and unnecessary expense. In addition, the inability to block calls based on screening for "1" will exacerbate the already severe problem of toll fraud.

- It will promote competition. Use of "1" as a toll indicator promotes competition. If a user is made aware that a particular call will incur toll charges, and competition for intra-NPA toll calls is permitted, then he or she will have an opportunity to choose an alternative carrier through a dial-around arrangement. In contrast, if intra-NPA toll calls must be dialed on a 7-digit basis, then the customer will have no ability to use an alternative carrier unless he or she happens to know the call will incur toll charges.

TCA respectfully submits that there are no countervailing considerations that militate in favor of 7-digit dialing of intra-NPA toll calls. Concerns previously expressed by some LECs that use of 1 as a toll indicator would engender significant expense and customer confusion are not persuasive.⁵ The costs borne by individual LECs pale in

⁵ See letter from Nancy C. Woolf, Pacific Bell, to Donna R. Searcy, CC Docket No. 92-237, dated May 27, 1993. In any event, given the fact that 7-digit dialing for intra-
(continued...)

comparison to the aggregate expenses that would be faced by consumers in states where 7-digit dialing is allowed -- and the fact that most LECs have endorsed mandatory 1+ dialing of toll calls strongly suggests that the costs of doing so are reasonable. Moreover, the principal objection to 1+ dialing voiced by one carrier -- that "[c]ustomers would need to know whether they were making a call in the free local area or a toll call"⁶ -- plainly demonstrates that 1+ dialing would minimize confusion and serve the public interest.⁷

Finally, although the states traditionally have exercised control over dialing plans, the Commission has asserted plenary authority over numbering,⁸ and the use of a uniform dialing plan would engender significant national benefits. In addition, NARUC already has endorsed a minimum standard dialing plan of 1+10 digits for intra-NPA toll calls on a permissive basis.⁹ Consequently, any concerns about

⁵(...continued)
NPA toll calls may diminish intraLATA toll competition, LEC arguments against 1+10 dialing are inherently self-serving.

⁶ Id. at 1.

⁷ Contrary to Pacific Bell's implication, customers would not have to memorize which calls are toll calls and which are local. Rather, the telephone company could simply provide an intercept announcement informing the customer that a particular call must be dialed on a 1+10-digit basis, as is uniformly done for inter-NPA toll calls.

⁸ See Administration of the North American Numbering Plan, 7 FCC Rcd 6837 (1992).

⁹ See Notice at n.68.

impinging on state jurisdiction are clearly outweighed by the advantages of a uniform national approach.

III. CONCLUSION

For the foregoing reasons, TCA urges the Commission to mandate the use of "1" as an indicator for all inter-NPA and intra-NPA toll calls.

Respectfully submitted,

TELE-COMMUNICATIONS ASSOCIATION

By: 

R. Michael Senkowski
Jeffrey S. Linder
WILEY, REIN & FIELDING
1776 K Street, N.W.
Washington, D.C. 20006
(202) 429-7000

Its Attorneys

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